Patent

Attorney Docket: 895,080-008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of:

Group Art Unit: 2665

JUL 1 2 2005

STUART BERMAN

Examiner: Daniel J. Ryman

Serial No.: 09/330,755

Filed: June 11, 1999

For: FIBRE CHANNEL SWITCHING SYSTEM

RCE AND AMENDMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Decision On Appeal by the Board of Patent Appeals and Interferences mailed on March 24, 2005, Applicants file herewith an RCE of the above referenced application. In conjunction with this request, please enter the following amendment:

Amendment to the Claims begins on page 2 of this paper.

Remarks begin on page 6 of this paper.

17/14/2005 HLE333 00000007 502862 09330755

11 FC:1801

790.00 DA

Adjustment date: 09/15/2005 SDIRETA1 07/14/2005 HLE333 00000007 502862 01 FC:1801 790.00 CR 09330755

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

. § 1.8. I hereby certify that this paper and all exchanges are being deposited with the United States Posts in an anvelone addressed to the Commissioner the Panents, P.O. Box 1450Alexandria, VA 22313-1450.

f Fursuant in 37 C.P.R. § 1.6(d), I hereby certify that this paper and all on raig Feinberg at Facshrife No (371) 273-8300.

July 12, 2005

Name of Person Certifying: Printed Name:

PAGE 4/11 * RCVD AT 7/12/2005 4:31:18 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/27 * ONIS:2738300 * CSID:949 737 2300 * DURATION (mm-ss):02-52

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July 15, 2005

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WRITER'S DIRECT DIAL (949) 737-1990

Writer's E-mail address jpascua@omm.com

Re: Request for Refund - Deposit Account No. 50-2862

Dear Sirs:

The above-referenced deposit account contains a duplicate charge for a Request for Continued Examination for United States Patent Application No. 09/330,755 (Our Reference: 895080-008). In addition, the attorney docket number is mistakenly noted as reference 895080-007.

On May 24, 2005, a Request for Continued Examination was filed by facsimile in the United States Patent and Trademark Office. The RCE Transmittal authorized the appropriate fee to be charged to Deposit Account No. 50-2862.

On June 24, 2005, the PTO mailed a Notice of Abandonment and a Notice of Non-Complaint Amendment on June 28, 2005. On July 1, 2005, a Letter Requesting Withdrawal of Notice of Abandonment was filed in the USPTO.

On June 28, 2005, \$790 was charged to Deposit Account No. 50-2862 as Sequence No. 1 (copy of June 2005 Deposit Account Statement attached) for the filing of the Request for Continued Examination.

On July 12, 2005, a Response to the Notice of Non-Compliant Amendment, including an updated version of the RCE and Amendment were filed by facsimile in the United States Patent and Trademark Office.

It has come to our attention that an additional \$790 was charged to Deposit Account No. 50-2862 on July 14, 2005 as Sequence No. 10 for filing a Request for Continued Examination (copy of July 2005 Deposit Account Statement attached).

IR1-1066800.1

PAGE 114 * RCVD AT 7/20/2005 1:25:08 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/33 * DNIS:2736500 * CSID:949 737 2390 * DURATION (mm-ss):01-34

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O'MELVENY & MYERS LLP Mail Stop 16, July 15, 2005 - Page 2

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DMO

We believe this fee should not have been assessed and hereby request \$750,000 NT & TRANSPORTED CREDITION OFFICE

Should you have any questions, please do not hesitate to contact us.

Sincerely,

Jennifer M. Pascua Registration No. 56,489

for O'MELVENY & MYER\$ LLP

JMP:kmg

Enclosures (as stated)

IR1:1066800.1

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07/05	109	PCT/US05/22306	335,699-044	1601	\$300.00	\$11,209.00
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07/13		09691392	PAT-009C	1251	\$120.00	\$10,396.00
07/14	10	09330755	895,080-007	1801	\$790.00	\$9,606.00

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